

consequences of harmful behavior, such as discrimination or sexual harassment. Today, the Senate is considering a nominee for the National Labor Relations Board, or NLRB, who has advocated in favor of forced arbitration in the employment context. Mr. Emanuel's support for stripping American workers of their rights is an important reason why I am opposing his nomination.

The shadow justice system brought about by forced arbitration results in real harm to employees while serving only to protect powerful corporate employers. In a high-profile example from last year, former FOX News host Gretchen Carlson was barred from speaking publicly about her allegations of sexual harassment against the company's former chairman, Roger Ailes. Had she not spoken out and instead complied with the private arbitration clause in her contract, her case would have been hidden from public view, denying other victims of harassment the knowledge that they were not alone.

In another disturbing case reported earlier this year, hundreds of current and former employees of Sterling Jewelers, a company that earns \$6 billion in annual revenue, have for years alleged that the company is engaged in pervasive gender discrimination and has fostered a culture that condones sexual harassment. According to reports, this shocking behavior dates as far back as the early 1990s. Despite decades of allegations from women at the company, these claims were hidden behind closed doors because of private arbitration. The full details are still unknown today.

These are just two examples that highlight the serious harm forced arbitration can cause employees. During the Obama administration, the NLRB found that the use of forced arbitration by employers to limit employees' rights to enter into class or collective actions violated the National Labor Relations Act. Mr. Emanuel participated in key cases related to this decision. I am concerned that his history of advocacy on this issue could lead to his prejudging the outcomes of subsequent cases that come before the Board.

Unfortunately, Mr. Emanuel declined during his confirmation hearing to recuse himself from decisions related to forced arbitration should he become a member of the Board. His other answers on this issue did not sufficiently allay my concern that he would work to undermine the rights of employees to access our judicial system. As someone who has fought for years to protect Americans' access to the courts and has introduced legislation to limit the harms caused by forced arbitration, I must oppose his nomination.

Ms. WARREN. Mr. President, I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant bill clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The question is, Will the Senate advise and consent to the Emanuel nomination?

Mr. DURBIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The assistant bill clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Mississippi (Mr. COCHRAN), the Senator from Florida (Mr. RUBIO), and the Senator from Alabama (Mr. STRANGE).

Further, if present and voting, the Senator from Florida (Mr. RUBIO) would have voted "yea."

Mr. DURBIN. I announce that the Senator from New Jersey (Mr. MENENDEZ) is necessarily absent.

The PRESIDING OFFICER (Mr. LANKFORD). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 49, nays 47, as follows:

(Rollcall Vote No. 203 Ex.)

#### YEAS—49

Alexander	Flake	Paul
Barrasso	Gardner	Perdue
Blunt	Graham	Portman
Boozman	Grassley	Risch
Burr	Hatch	Roberts
Capito	Heller	Rounds
Cassidy	Hoeven	Sasse
Collins	Inhofe	Scott
Corker	Isakson	Shelby
Cornyn	Johnson	Sullivan
Cotton	Kennedy	Thune
Crapo	Lankford	Tillis
Cruz	Lee	Toomey
Daines	McCain	Wicker
Enzi	McConnell	Young
Ernst	Moran	
Fischer	Murkowski	

#### NAYS—47

Baldwin	Gillibrand	Nelson
Bennet	Harris	Peters
Blumenthal	Hassan	Reed
Booker	Heinrich	Sanders
Brown	Heitkamp	Schatz
Cantwell	Hirono	Schumer
Cardin	Kaine	Shaheen
Carper	King	Stabenow
Casey	Klobuchar	Tester
Coons	Leahy	Udall
Cortez Masto	Manchin	Van Hollen
Donnelly	Markey	Warner
Duckworth	McCaskill	Warren
Durbin	Merkley	Whitehouse
Feinstein	Murphy	Wyden
Franken	Murray	

#### NOT VOTING—4

Cochran	Rubio
Menendez	Strange

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

#### NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2018—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 165, S. 1519.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 165, S. 1519, a bill to authorize appropriations for fiscal year 2018 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

#### MORNING BUSINESS

#### A TALE OF SISTER CITIES AND SOME SOCCER JERSEYS

Mr. LEAHY. Mr. President, recently, I heard from Mayor John Hollar and City Manager Bill Fraser of Montpelier, VT, about a wonderful gesture by Philippe Saurel, the mayor of Montpellier, France, who is also the president of Montpellier Méditerranée Métropole.

The story is this: the city of Montpelier, France, ordered soccer jerseys to support its soccer club. They were printed with the name Montpelier—the way we spell it in Vermont—rather than Montpellier, as it is in France. As a result, Mr. Saurel, with M. Laurent Nicollin, the president of the Soccer Club of Montpelier, offered to send these jerseys to the Montpelier, VT, high school soccer teams.

As the only U.S. Senator ever born in Montpelier, VT, I was thrilled and wrote to the mayor of Montpelier, France, with gratitude. The more I thought about it, the more I wanted to make sure the U.S. Senate heard about this generous act. I ask unanimous consent to have printed in the RECORD the letter from Mayor Philippe Saurel to Mayor John Hollar. The tie between our two great nations and our two beautiful cities continues.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### LETTER FROM MAYOR SAUREL TO MAYOR HOLLAR

DEAR MAYOR HOLLAR, I'm writing to you from Montpelier, south of France. The starting point of our story is that [both our] cities have almost the same name.

You have already heard about the story of the soccer shirts on social networks[.] [T]here was a mistake during the printing, and now Montpelier spelled as the name of your city is [written] on the shirts of the soccer team.

We would be very delighted with M. Laurent Nicollin, President of the Soccer

Club of Montpellier, to offer the shirts with the name of your city to your school's soccer team. M. Mayor Hollar do not hesitate to tell me if you agree with this gift, in that way we will write together a great story.

Moreover, I also hope to meet you one day, I will be very pleased to welcome you in Montpellier.

Yours faithfully,

PHILIPPE SAUREL,  
Mayor of Montpellier, President of  
Montpellier Méditerranée Métropolis.

(At the request of Mr. MCCONNELL, the following statement was ordered to be printed in the RECORD.)

#### HURRICANE MARIA RECOVERY

• Mr. RUBIO. Mr. President, Hurricane Maria devastated Puerto Rico, and I am on the island today with FEMA Administrator Brock Long, Governor Ricardo Rossello, Resident Commissioner JENNIFFER GONZÁLEZ, and other officials to assess the damage and assistance that is needed to help residents and make the island whole. It is our responsibility to do everything we can to ensure our government responds to this hurricane the same as it would anywhere else in the country. We must stand with our brothers and sisters, and give Puerto Rico the resources it needs to rebuild and become stronger than ever before.●

(At the request of Mr. SCHUMER, the following statement was ordered to be printed in the RECORD.)

#### VOTE EXPLANATION

• Mr. MENENDEZ. Mr. President, I was unavailable for rollcall vote No. 203 on the nomination of William Emanuel to be a member of the National Labor Relations Board. Had I been present, I would have voted "nay".●

#### CONFIRMATION OF NOEL J. FRANCISCO

Mr. VAN HOLLEN. Mr. President, I could not support Noel Francisco's confirmation to serve as the 47th Solicitor General of the United States. I do not believe Mr. Francisco can serve as a check on this administration and this President.

Created in 1870 and colloquially referred to as the "10th Supreme Court Justice," the Solicitor General represents the U.S. Government before the Supreme Court. The Solicitor General culls through thousands of cases a year and selects which cases the Department of Justice will appeal. Although the Solicitor General is the third highest ranked office in the Department of Justice, it is the Solicitor General alone who selects and approves every appeal. This heavy responsibility requires that the Solicitor General use sound legal judgment and resist pressure from and maintain independence from the President and Cabinet-level members.

History contains examples of Solicitors General who deferred to the Presi-

dent while constructing legal strategy and Presidents who were directly involved with shaping legal arguments. President Eisenhower personally wrote handwritten notes on his Solicitor General's briefs before they were submitted to the Supreme Court. President Eisenhower's notes softened the Solicitor General's tone regarding the expediency of desegregation after the seminal Supreme Court decision of *Brown v. Board of Education*.

At this unique time in history, we cannot have a Solicitor General who will serve as a rubberstamp for this administration's policies. President Trump has shown a disregard and contempt for not only the rule of law but also for our constitutional separation of powers.

Frederick William Lehmann, Solicitor General during the Taft administration said that "the Government wins its point when justice is done in its courts." As acting-Solicitor General, Mr. Francisco defended the President's travel ban before the Ninth Circuit, in which he argued that Presidential authority regarding immigration is "largely immune from judicial control."

Mr. Francisco's lead in defending President Trump's Executive orders are deeply concerning. We need a Solicitor General that can say no to the President and resist positions advocated by the administration's hardliners when they fall outside of defensible legal boundaries. I do not believe Mr. Francisco can act as an independent check, and I could not support his confirmation.

#### REMEMBERING PETE DOMENICI

Mr. ENZI. Mr. President, I would like to take this time today to honor the life of one of our former colleagues and my friend, Pete Domenici of New Mexico. Pete had a long and memorable career and left an important legacy on this institution, of which his family can be proud.

Pete dedicated the majority of his life to advocating for the betterment of his home State and this Nation he loved so much. He started his career in public service after his election to the Albuquerque City Commission in 1968. He then took up the challenge to serve the people of his home State in Congress and was elected to the Senate in 1972. Pete served the people of New Mexico for 36 years, becoming the longest serving Senator in New Mexico history in the process.

During his career, Pete was chairman of the Senate Energy Committee and twice the chairman of the Senate Budget Committee. His adherence to fiscal responsibility eventually led to the passing of a balanced budget during his chairmanship.

He accomplished a great deal over the years in the Senate. His heartfelt concern and his dedication to his principles guided his work on every issue that came before him. Through it all,

his core values served as his inner compass and kept him in tune with the thinking of the people of New Mexico, who elected him to the Senate six separate times. I was fortunate enough to serve with Pete and, through our 12 shared years in the Senate together, came to admire his commitment to serving our great Nation.

During my time as ranking member of the Health, Education, Labor, and Pensions—HELP—Committee, I was able to see up close Pete and his wife Nancy's lifelong commitment to mental health. Through his hard work and determination, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 was enacted into law.

His pragmatism was one of the many qualities Pete displayed everyday while working to improve the lives of all Americans. Pete's ability to form meaningful relationships with every person he met was why he was so trusted by Members on both sides of the aisle.

Among Pete's reasons to not seek a seventh term was his diagnosis of frontotemporal lobar degeneration. Through his fight against his debilitating disease, he was an inspiration to many. He did not let this slow him down. After his retirement from the Senate, Pete continued to work tirelessly for the advancement of the causes he cared so dearly about.

We now celebrate the life of Pete Domenici. Pete was many things in his life: a college baseball player, a Senator, an author, a husband, a father, a grandfather, and even a great-grandfather.

Diana joins in sending our heartfelt sympathy to the Domenici family. Pete has been a role model to so many for so many years, including me. He loved life, and he loved sharing it with his family and friends. Those who knew him will always remember his dedication, his selflessness, and his ability to solve problems. He will never be forgotten. God bless.

#### ADDITIONAL STATEMENTS

##### 225TH ANNIVERSARY OF THE CONNECTICUT STATE MEDICAL SOCIETY

• Mr. BLUMENTHAL. Mr. President, today I wish to recognize the Connecticut State Medical Society, as they celebrate 225 years of dedicated service to the medical profession and to the improvement of health services for Connecticut residents.

Founded in 1792, the Connecticut State Medical Society consists of more than 7,000 physicians who provide healthcare across the State. The society enhances the profession of medicine by providing educational courses and innovative learning experiences to physicians, which helps improve the overall quality of healthcare services and safeguards patient health.